

~~FILED UNDER SEAL~~ (144)
 IN THE UNITED STATES DISTRICT COURT
 FOR THE SOUTHERN DISTRICT OF TEXAS
 HOUSTON DIVISION

UNITED STATES COURTS
 SOUTHERN DISTRICT OF TEXAS
 ENTERED

MAY 17 2000

~~MICHAEL N. MILBY, CLERK OF COURT~~

SOUTHERN CLAY PRODUCTS, INC.,)	
)	
Plaintiff,)	Civil Action No. H 98 1756
)	
v.)	Judge Kenneth Hoyt
)	Magistrate Judge Calvin Botley
UNITED CATALYSTS INC.,)	
)	HIGHLY CONFIDENTIAL
)	ATTORNEYS' EYES ONLY
Defendant.)	

ORDER

Pending before the Court is the Plaintiff's Fourth Motion In Limine: To Preclude Improper Testimony From UCI's "Patent Expert". The Court, having reviewed the motion and the Defendant United Catalysts, Inc.'s ("UCI") Response, finds that the motion has merit. It is, therefore,

ORDERED that Southern Clay's Motion is **granted**. Further it is

ORDERED that UCI's witness John R. Kirk, Jr. shall not testify about the validity of Southern Clay's patents-in-suit.

ORDERED that Mr. Kirk shall not give his interpretation of Southern Clay's patent claims.

ORDERED that Mr. Kirk shall not give testimony constituting legal conclusions as to the "duty of disclosure," "materiality," "intent," or "inequitable conduct."

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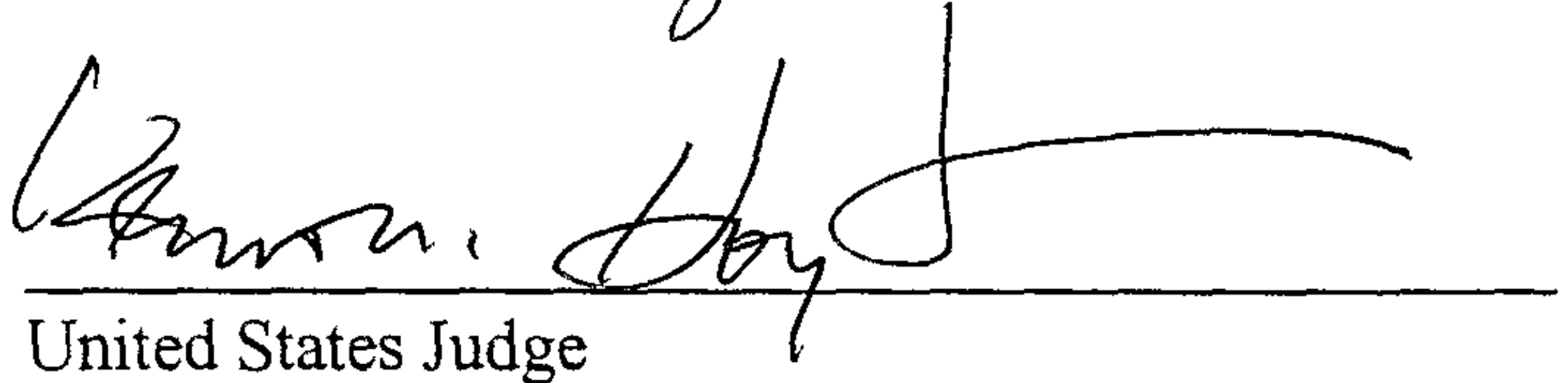
ORDERED that Mr. Kirk shall not testify as to what any Patent Office examiner knew, believed, or thought.

ORDERED that Mr. Kirk shall not testify as to what Southern Clay's patent attorney or inventors knew, believed, thought, or intended.

ORDERED that, in view of the exclusion of improper testimony from Mr. Kirk set forth above and the opinions provided in Mr. Kirk's Expert Report, Mr. Kirk's testimony at trial shall be limited to Patent Office procedures.

The Clerk of Court shall file this Order and provide the parties with a true copy.

SIGNED at Houston, Texas, on this 16th day of May, 2000.


United States Judge